

Notice of Allowability

Application No.

09/716,166

Examiner

Dong Jiang

Applicant(s)

TRECO ET AL.

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 11/15/06.
2. ☒ The allowed claim(s) is/are 1, 2, 6, 8-12, 14, 17, 19, 21-27, 32-36, 38-45, 83, 84, 86, 87, 89 and 94-98 to issue as 1-8, 17, 18, 24-31, 19-23, 32-34, 10-15, 36-41, 9, 35 and 16, respectively.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material


5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


GARY B. NICKOL, PH.D.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

EXAMINER'S AMENDMENT

Applicant's amendment filed on 21 December 2006 is acknowledged and entered. Following the amendment, claims 28 and 90-93 are canceled, claims 1, 2, 6, 14, 17, 19, 33, 38-41, 45, 83 and 84 are amended, and the new claims 94-98 are added.

Currently, claims 1, 2, 6, 8-12, 14, 17, 19, 21-27, 32-36, 38-45, 83, 84, 86, 87, 89 and 94-98 are pending and under consideration.

Withdrawal of Objections and Rejections:

All objections and rejections of claims 28 and 90-93 are moot as the applicant has canceled the claims.

The rejection of claims 1, 2, 6, 8-12, 14, 17, 19, 21-27, 32-36, 38-45, 83, 84, 86, 87 and 89 under 35 U.S.C. 112, first paragraph, for lack of enablement is withdrawn in view of applicant's amendment and argument.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laurie Butler Lawrence on 30 January 2007.

The application has been amended as follows:

In claim 14, line 1, the term "A non-endocrine cell" has been replaced by -- An isolated non-endocrine cell --.

In claim 84, line 1, the term "A non-endocrine, mammalian cell" has been replaced by -- An isolated non-endocrine, mammalian cell --.

In claim 89, line 1, the term "A non-endocrine, human cell" has been replaced by -- An isolated non-endocrine, human cell --.

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In claim 94, line 1, the term "A fibroblast" has been replaced by -- An isolated fibroblast

Conclusion:

Claims 1, 2, 6, 8-12, 14, 17, 19, 21-27, 32-36, 38-45, 83, 84, 86, 87, 89 and 94-98 are allowed.

The allowed claims 1, 2, 6, 8-12, 14, 17, 19, 21-27, 32-36, 38-45, 83, 84, 86, 87, 89 and 94-98 have been renumbered for issuance as the following:

Current claim number

Issuance number

1	1
2	2
6	3
8-12	4-8
96	9
41-45	10-14
83	15
98	16
14	17
17	18
32-36	19-23
19	24
21-27	25-31
38-40	32-34
97	35
84	36
86-87	37-38
89	39
94-95	40-41

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Advisory Information:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dong Jiang whose telephone number is 571-272-0872. The examiner can normally be reached on 9:30 am - 7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dong Jiang, Ph.D.
Patent Examiner
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1/30/07


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